

United States Government

Department of Energy

memorandum

DATE: January 10, 2003

REPLY TO

ATTN OF: Office of Environmental Policy and Guidance:LThompson:69581

SUBJECT:

Environmental Protection Agency Proposes to Withdraw July 2000 Total Maximum Daily Load (TMDL) Rule

TO:

Distribution

The purpose of this memorandum is to inform Department of Energy (DOE) program offices and field elements of the Environmental Protection Agency (EPA) proposed notice to withdraw the final rule, *Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation* (the July 2000 rule) published in the Federal Register on July 13, 2000. This notice was published in the Federal Register on December 27, 2002. The July 2000 rule amended and clarified existing Clean Water Act (CWA) regulations that require states to identify waters that are not meeting applicable water quality standards and to establish total maximum daily loads (TMDL) to restore the water quality of those waters. A TMDL specifies the amount of a particular pollutant that may be present in a waterbody, allocates pollutant loads among sources and provides the basis for attaining or maintaining water quality standards. EPA states that more time is needed to evaluate whether and how to revise the currently effective regulations. The effect of this withdrawal would be that the TMDL program would continue to operate under the rules promulgated in 1985, as amended in 1992, at 40 CFR part 130. The Federal Register notice and additional information are available at <http://www.epa.gov/owow/tmdl/proposedrule.html>. DOE has been involved in the process to improve the TMDL program. In February 2001 and December 2001, the Department provided detailed comments to EPA on costs associated with the TMDL program.

EPA requests that comments specifically address the question of whether to withdraw the July 2000 rule. EPA is not requesting comments on the currently effective rule at 40 CFR part 130 or what, if any, changes the Agency should propose to the existing TMDL rules. This office invites you to include separately, for future DOE use, any suggestions on how to improve the existing TMDL program along with your comments on the proposal to

withdraw the July 2000 rule. Suggestions for preparing comments are provided in the Federal Register notice. Please provide any comments you may have by January 21, 2003 to Lois Thompson of my staff at lois.thompson@eh.doe.gov, fax (202) 586-3915. For further information, please contact Ms. Thompson at the e-mail address provided or by phone at (202) 586-9581.

A handwritten signature in black ink that reads "Andy Lawrence". The signature is written in a cursive, flowing style.

Andy Lawrence
Director
Office of Environmental Policy
and Guidance

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